

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/478,796 01/07/00 CHAGANTI

N PSCO-005

LM71/0811

EXAMINER

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BARRON JR, G

ART UNIT	PAPER NUMBER
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2767

DATE MAILED:

08/11/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/478,796	CHAGANTI ET AL.	
	Examiner	Art Unit	
	Gilberto Barron, Jr.	2767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

1) Responsive to communication(s) filed on 19 May 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 and 7-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 7-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 20) Other: \_\_\_\_\_

***Information Disclosure Statement***

1. The information disclosure statements filed 5/19/00 and 6/7/00 fail to comply with 37 CFR 1.97(c) because they lack a statement as specified in 37 CFR 1.97(e), or the fee set forth in 37 CFR 1.17(p). An IDS filed after first action must have either the statement or a fee to be proper. They have been placed in the application file, but the information referred to therein has not been considered.

***Response to Amendment***

2. The Amendment, and Remarks therein, have been carefully considered., but are not persuasive in overcoming the rejection set forth in the Office Action mailed 4/18/00. In addition, the newly added claims 7-30 have necessitated new grounds of rejection. The new grounds of rejection based on newly discovered prior art follow below.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 26-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The instant claims are directed to computer executable code stored on computer readable medium. However, this language only provides for the code and not a computer readable medium encoded with a computer executable program which would define a structural and functional interrelationship between the computer program and the medium which permit the computer programs functionality to be realized.

Applicant may overcome this rejection by rewriting the claims to a computer readable medium encoded with a computer program that implements a statutory process.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 26-30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The instant claims provide for computer executable program code, but there is no written description of the code found in the specification. Although the specification describes, in general, program modules or allusions to programming languages, this does not fulfill the requirements for one skilled in the art to know what code Applicant had at the time of filing.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claims are indefinite as it is unclear what the “code” being claimed is. It is not clear what type or manner of “code” would be considered as included in this vague term.

***Response to Arguments***

9. Applicant's arguments filed with the Amendment of 5/19/00 have been fully considered but they are not persuasive. In particular, the phrase “assigning at least one of a plurality of security levels to each information object” is taught in the Smith patent. Each information object in Smith (defined by a data record or data field) is assigned “at least one of a plurality of security levels”. Col. 4, lines 36-38 define how each information object is defined within a global database of information objects. Col. 4, lines 49-50 teaches assigning for each object (data record or data field) a security level. There are a plurality of security levels in view of the fact that there are a plurality of access conditions based on a plurality of conditions such as user ID, terminal location and the particular data record or data field. There is “at least one” security level assigned to each data object.

***Claim Rejections - 35 USC § 103***

10. Claims 1-5, 14-16, 19-21 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. (5,241,466) in view of Smith (4,956,769).

The Perry patent discloses a central depository for central information such as living will and other associated information. The Perry patent discloses establishing an account for the user with a server computer, see Fig. 1, computer 10 and col. 3, lines 46-64. The method of claim 1 and 25 is disclosed by the

Perry patent as follows. The step of assigning an identifier is disclosed at col. 5, line 2. The step of entering personal information is disclosed at col. 4, lines 50-68. The step of storing in the database the customer file is disclosed at col. 4, lines 10-18 and 67-68. The step of receiving a request message from a requester is disclosed at column 8, lines 36-44. The step of retrieving from the database the information is disclosed at col. 8, lines 58-66. The step of securely transmitting the information is disclosed at col. 8, line 67 thru col. 9, line 7.

However, the Perry patent does not disclose the step in claim 1 of assigning a security level to each information object nor the claim 4 step of designating the requester as a junk requester if a predetermined number of requests are not authorized.

The patent to Smith teaches a security protection system for a computer database wherein users are given security profiles and the data is stored with data fields for limiting the access to users of the information stored therein, see col. 1, line 58 thru col. 2, line 10. The Smith patent also teaches a protection step of generating an alarm if a predetermined number of unauthorized requests are detected, see col. 6, lines 1-34.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the security system of the personal information database disclosed in Perry by providing for assigning a security level to the information object and generating an alarm if a predetermined number of unauthorized attempts are made as taught in Smith in order to provide a

computerized database with the security against users attempting fraud. see Smith at col. 1, lines 24-47.

Claims 2 and 27, the step of requester authorization and verification is disclosed at col. 8, lines 45-52 of Perry.

Claims 3, the step of requester not authorized and rejected is disclosed at col. 8, lines 54-57 of Perry.

Claims 5 and 28-30, the step of recording every access to a user's information is disclosed at col. 7, lines 36-38 of Perry.

Claims 14 and 15 are met by Perry at col. 2, lines 55-57 and col. 6, line 68 thru col. 8, line 35 which disclose updating to meet the recitation of altering the user's personal information.

Claim 16, Perry teaches a computerized database to meet the recitation of a communication network.

Claim 19, Perry discloses personal information to meet the recitation of the particular types of information recited herein.

Claims 20 and 21, Perry discloses receiving an authorization request from the requester and verifying the request at col. 2, lines 43-54.

Claim 24, Perry discloses a periodic status report at col. 7, lines 1-4.

Claim 26, Smith discloses using plural security clearance levels such as user ID as a first security clearance level and terminal location as a second security clearance level. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the access procedure in Perry to provide for plural levels of security clearances which must be cleared by a

requester as taught in Smith in order to secure the computerized database against attempted fraud, see Smith at col. 1, lines 24-47.

11. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Smith as applied to claim 1 above, and further in view of Murphy (5,644,711).

Claim 7 provides for generating an authorization key, while the Perry patent discloses identifying particular authorized users. The Murphy patent teaches secure access to selected directories using user ID and a password, see col. 4, lines 14-38. The teaching of a password implies that an authorizing key is generated by the method. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for authorization keys such as passwords as taught in Murphy for the select access to particular objects as taught in both Perry and Murphy in order to provide a security measure for access to select portions of a database, see col. 6, lines 15-24 of Murphy.

Claims 8-13 are disclosed in Perry as the particular information requested is checked to see if the particular requester is authorized access to the information, see col. 8, lines 45-57. Further, Smith teaches that particular requester characteristics or attributes such as terminal location and type of information requested are part of the information request.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Smith as applied to claims 1 and 16 above, and further in view of the Moozakis article entitled "Internet Printing Takes Hold".

The Perry reference does not disclose using the Internet Printing Protocol for transmitting information.

The article entitled "Internet Printing Takes Hold" describes IPP as a mechanism for transmission of information directly to a printer for distribution of information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the requested information in Perry under the Internet Printing Protocol as Perry discloses transmission of the information over a network, see col. 9, lines 1-7 and the article by Moozakis teaches information distribution by Internet Printing Protocol is an efficient manner for distributing information.

13. Claims 18 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Smith as applied to claim 1 above, and further in view of Vaudreuil (5,621,727).

The Perry reference does not disclose the secure e-mail or the executable query requests of the instant claims.

Vaudreuil teaches a network that transmits information securely using PEM or public key, see col. 28, lines 23-48 and also teaches a network that allows requests for information to be in a form executable for database searching, see col. 9, lines 20-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to secure the transmission of the requested information disclosed in Perry by means such as PEM or public key as taught in Vaudreuil in

order to secure the information from other parties and to send requests for information in a executable form such as SQL as taught in Vaudreuil in order to provide for searching of a database by automated means.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilberto Barrón Jr. whose telephone number is (703) 305-1830. The examiner can normally be reached on Mondays thru Thursdays from 8:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Tod Swann, can be reached on (703) 308-7791. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

*Gilberto Barron*

GILBERTO BARRON, JR.

PRIMARY EXAMINER

ART UNIT 222 2367

~~GILBERTO BARRON, JR.~~

~~PRIMARY EXAMINER~~

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